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EXHIBIT

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January 10, 2001

It has been brought to my attention that on Wednesday, December 19, 2001, several students were engaged in inappropriate sexual behavior on their way home from the PASS program. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were the students in question. After interviewing all persons involved, with the exception of [REDACTED] because she was hospitalized at Milcreek Hospital for Mental Health reasons, it is apparent that [REDACTED], [REDACTED], and [REDACTED] did not participate in sexually defiant behavior.

[REDACTED] P. [REDACTED] admittedly went into the bathroom at the laundromat with [REDACTED] K. [REDACTED] and performed oral copulation on [REDACTED] B. [REDACTED] on December 19, 2001. She states that [REDACTED] C. [REDACTED] had forced her to go into the bathroom with [REDACTED] K. [REDACTED]. The girls had gone to Strong Vincent to meet [REDACTED] C. [REDACTED]'s older sister, [REDACTED] who was staying late at PASS. They had seen [REDACTED], [REDACTED], and [REDACTED] walking towards the laundromat on West 8th Street. [REDACTED] approached the boys and asked them if they would like head from [REDACTED]. They entered the laundromat, corner of 8th and Washington next to the school, where [REDACTED] continued to coerce [REDACTED] into performing oral sex on the boys. [REDACTED] was uncomfortable with the idea of having oral sex and was hesitant. [REDACTED] states that at this point, [REDACTED] started hitting [REDACTED]. [REDACTED] conceded and walked into the bathroom with [REDACTED] K. [REDACTED]. They were alone in the bathroom with the lights out for almost 15 minutes and then came out of the bathroom. At some point, they were asked to leave the laundromat because [REDACTED] was swearing and throwing things. Once outside, [REDACTED] and [REDACTED] went behind a house that is located on Washington street. [REDACTED] had given fellatio to [REDACTED] B. [REDACTED]. According to [REDACTED], she had performed this act on both [REDACTED] K. [REDACTED] and [REDACTED] B. [REDACTED] a couple of times. [REDACTED] denies that he engaged in any sexual activity with [REDACTED]. He claims that he saw the girls on the steps of Strong Vincent and they started walking east on 8th Street. He went into the laundromat to smoke a cigarette and talk to his friend, [REDACTED]. After his cigarette, he went home. He said that he did not go into the bathroom or outside with [REDACTED] at anytime that evening. [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] all saw [REDACTED] and [REDACTED] go into the bathroom. When called into the office, [REDACTED]'s first statement was, "you want to talk to me about what happened and I didn't do anything."

[REDACTED] is now being taunted by [REDACTED] C. [REDACTED] at school. [REDACTED] is bothering her to perform this act on other male students. On Monday, 1/7/02, there was a second incident. [REDACTED] was at the water fountain. [REDACTED] was in the hall asking [REDACTED] to give head to a male student that walked by. [REDACTED] refused. According to [REDACTED], [REDACTED] had shoved her into the stairwell and pushed her to follow the male student. [REDACTED] walked down the stairs in the same direction as the male student, but nothing had happened.

The third incident to occur was after PASS on Monday 1/7/02. Charles B. [REDACTED] and an

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unknown Male student had left PASS. They went to the laundromat. R [REDACTED] was at the laundromat changing her clothes and waiting for her dad to pick her up. While in an alcove of the building, the unknown student had forced R [REDACTED] to sit down. He put his hands up her shirt. He brushed her hair back. He unzipped his pants and put his penis on her face. R [REDACTED] was unsure of the student's name, but was able to describe the student in detail.

K [REDACTED] L [REDACTED] was unable to be interviewed because she was hospitalized at Milcreek Hospital for Mental Health reasons. While at Milcreek, K [REDACTED]'s mom had said that she admitted to the counselor that she participated in oral sex with a student at Strong Vincent High School. Y [REDACTED] had stated in her interview that R [REDACTED] P [REDACTED] and K [REDACTED] L [REDACTED] had taken turns doing it to C [REDACTED].

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P. by and for RACHEL P. )  
and DENISE L. by and for K[REDACTED] L., )

No. 03-390 Erie

Plaintiffs, )

v. )

Jury Trial Demanded

SCHOOL DISTRICT OF THE CITY OF )  
ERIE, PENNSYLVANIA; JANET )  
WOODS, individually and in her )  
capacity as Principal of Strong Vincent )  
High School; LINDA L. CAPPABIANCA, )  
individually and in her capacity as )  
Assistant Principal of Strong Vincent )  
High School, )

Defendants. )

AFFIDAVIT OF ROBIN JOHNSON

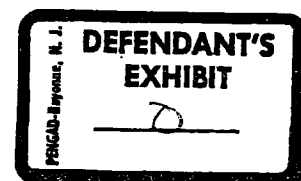
Robin Johnson, being duly sworn, deposes and states as follows:

1. My daughter Toni was a student at Strong Vincent School in 2001-2002.

In January 2002, the vice principal of the school, Ms Cappabianca, called Toni and me to a meeting.

2. The meeting occurred in Ms. Cappabianca's office. T[REDACTED] was present at the meeting. Ms. Cappabianca told me that she wanted to talk to me regarding my daughter. She said Toni didn't do anything wrong, but she was hanging out with wrong kids. She specifically mentioned T[REDACTED] friend R[REDACTED]. She pronounced the name with an accent on the second syllable.

3. I can't remember whether Ms. Cappabianca said R[REDACTED]'s last name, but Toni told me after the meeting who Ms. Cappabianca was referring to.



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4. Ms. Cappabianca said that "R[REDACTED]" was "giving head" to boys or performing "blow jobs" in school. She mentioned that this conduct was occurring in the gym, the basement, the bathrooms, and the cafeteria. While she was telling me this, she made a sucking motion with her mouth to show me what R[REDACTED] had been doing to boys.

5. Ms. Cappabianca told me that R[REDACTED] had been caught doing these kinds of things in school. She also told me that she knew that R[REDACTED] was engaging in sexual conduct at the "smokers' corner" or the laundromat near the school.

6. Ms. Cappabianca said that other students were picking on R[REDACTED] because of her sexual conduct.

7. When she gave me this information, she just used R[REDACTED]'s given name. Toni knew who she was referring to, but I didn't. However, when I left the office after the meeting, R[REDACTED] P[REDACTED] and her dad were standing there waiting.

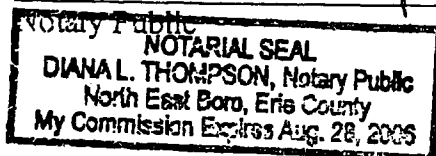
8. It is my understanding that R[REDACTED] was 12 years old at the time.

Date: 3/10/04

Robin Johnson  
Robin Johnson

Sworn to and subscribed before  
me this 10th day of MARCH,  
2004.

Diana L. Thompson



Clinic Services • 814/459-9300 • Fax 814/456-5145 Crisis Services • 814/456-2014 • 1-800-300-9558 • Fax 814/455-9802  
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# Medication Management Progress Note

Date: 9/19/03 Time: 2:30 B/P: \_\_\_\_\_ TPR: 101:1 x 72 Ht. \_\_\_\_\_ Wt. \_\_\_\_\_ BMI: \_\_\_\_\_

Presenting Problem: Depressed 8/29/03 for indecent exposure, Peeking  
at back SPO-538 Parole. Had already been on parole. Suspected  
prostitution & theft.

Physical Concerns: \_\_\_\_\_

Clinical Signature Melone

(Please circle those that apply)

Appearance: Wnl Unkempt Meticulous Unusual Hygiene - Good / Bad

Behavior: Wnl Guarded Withdrawn Sleeping - Yes / No Appetite - Yes / No  
Hostile Pleasant Cooperative Uncooperative Provocative Manipulative

Mood/Affect: Wnl Flat Depressed Euphoric Anxious Fearful Irritable  
Angry Labile

Cognition: Wnl Loose FOI Thought - Blocking / Rambling Paranoid Delusional  
 Grandiose Fragmented Somatic

Hallucinations: Auditory Visual Olfactory Tactile Gustatory

Safety: Danger to self - Yes / No others - Yes / No

If Yes, describe \_\_\_\_\_

Safe to return home? Yes / No If no, state planned intervention \_\_\_\_\_

(to detention)

EPS/TD: (Estrapynamidal Symptoms/Tardive Dyskinesia) Yes / No

A) Status since last appointment: PT initially quiet but became very  
agitated when her condition was discussed. Became  
loud & obscene. Taken back to detention by ESI staff

Response to treatment: \_\_\_\_\_

R) Medication Change Y X N

Rationale: \_\_\_\_\_

Comments: CPT. Will be going to RTF once placement found

Current DX: PTSD. DDD Review 1a GAF 45

Physician Signature: [Signature]

Client Name: [Redacted] BSU# 25314269

Medication management progress note 10/023

File: progress notes

THIS INFORMATION HAS BEEN DISCLOSED TO YOU  
 FROM RECORDS WHOSE CONFIDENTIALITY IS  
 PROTECTED BY STATE STATUTE. STATE REGULATIONS  
 LIMIT YOUR RIGHT TO MAKE ANY FURTHER DISCLOSURE  
 OF THIS INFORMATION WITHOUT PRIOR WRITTEN CONSENT  
 OF THE PERSON TO WHOM IT PERTAINS.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for **R.P.**, and DENISE L., )  
by and for **K.L.**, )

Plaintiffs )

v. )

Civil Action No. 03-390 Erie )

**SCHOOL DISTRICT OF THE CITY OF** )  
**ERIE, PENNSYLVANIA; JANET WOODS,** )  
Individually and in her Capacity as Principal of )  
Strong Vincent High School; and **LINDA L.** )  
**CAPPABIANCA,** Individually and in her )  
Capacity as Assistant Principal of Strong )  
Vincent High School, )

Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 17th day of August, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen  
James T. Marnen